

indicates the deleted text and underlining indicates the added text pursuant to 37 C.F.R. §1.121. Applicants respectfully submit for the reasons set below and in view of the amendments that the rejections have been overcome.

With respect to the rejection under §112, first paragraph, the Patent Office asserts that there is no support for the battery to comprise LiM_xO_2 but there is support for Li_xMO_2 as disclosed on page 8 of the Specification. With respect to the rejection under §112, second paragraph, the Patent Office further asserts that it is unclear what is the other range for the “x” component because Claim 16 states “ $0.05 \leq x \leq$ is contained”.

As previously discussed, Claim 16 has been amended. Newly amended Claim 16 now requires “ Li_xMO_2 ” in place of “ LiM_xO_2 ” and “ $0.05 \leq x \leq 1.10$ ” in place of “ $0.05 \leq x \leq$ ”. Applicants therefore submit that newly amended Claim 16 fully complies with 35 U.S.C. §112. Applicants submit for the record that the amendment to Claim 16 was made for clarification purposes and, to that extent, does not have a narrowing effect on the scope of the claimed subject matter as required by Claim 16. Accordingly, Applicants respectfully request that the §112 rejections be withdrawn.

In the Office Action, the Patent Office objects to the Specification. The Patent Office essentially asserts that it is unclear how $\text{LiNi}_y\text{Co}_{1-y}\text{O}_2$ is represented by Li_xMO_2 because there is purportedly no variable on the M. The Patent Office further asserts that there also seems to be a discrepancy in defining the x value where in one range $x < 0.005$ and in the other range $x < 0.05$.

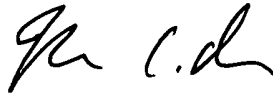
Applicants submit that this objection is improper. M is defined as one or more types of transition metals, preferably any one of Co, Ni, and Fe as disclosed in the Specification on page 8 in lines 6 and 7. This definition clearly suggests that M can include, for example, a combination or mixture of any one of Co, Ni, and Fe, such as $\text{Ni}_y\text{Co}_{1-y}$ where $0 < y < 1$.

Further, there is no discrepancy with respect to defining the “x” value as disclosed in the Specification on page 8. In line 8, “x” is defined as ranging from $0.005 \leq x \leq 1.10$. In line 10, “x” is defined as ranging from $0.05 \leq x \leq 1.1$ which falls within the range for “x” as identified in line 8.

Accordingly, Applicants respectfully request that the objection to the Specification be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly an early allowance of the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T.C. Basso', is positioned above a horizontal line.

Thomas C. Basso (Reg. No. 46,541)
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, Illinois 60690-1135
(312) 807-4310
ATTORNEYS FOR APPLICANTS

MARKED UP VERSION OF AMENDED CLAIM 16

16. (Amended) A nonaqueous electrolyte secondary battery according to Claim 7, wherein $[\text{LiM}_x\text{O}_2]$ Li_xMO_2 [(where M is one or more types of transition metals and $0.05 \leq x \leq$] is contained as an active material for said positive electrode where M is one or more types of transition metals and $0.05 < x < 1.10$.